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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X		ECF CASE
SCHOLZ DESIGN, INC.,	:	07 CV 11045 (WCC)
	:	
Plaintiff,	:	ANSWER BY DEFENDANT
-against-	:	ERIC KNUTE OSBORN TO
	:	CROSSCLAIMS; WITH
KEVIN MAHER, BLANCHARD GATE, LLC.,	:	CROSSCLAIMS AGAINST
MBG CONTRACTORS, INC. and	:	BLANCHARD GATE, LLC.
ERIC KNUTE OSBORN	:	AND MBG
	:	CONTRACTORS, INC.
Defendants.	:	
	:	
-----X		

Defendant Eric Knute Osborn (“Osborn”) answers the crossclaims of Defendants Blanchard Gate, LLC and MBG Contractors, Inc. (the “Co-Defendants”) by and through his attorney, as follows:

- 1.. DENIES each of the allegations in ¶ 26 of the Answer of the Co-Defendants.
- 2.. DENIES that either of the Co-Defendants is entitled to any of the relief demanded in ¶ 26 of their Answer.
- 3.. DENIES each of the allegations in ¶ 28 of the Answer of the Co-Defendants.
- 4.. DENIES each of the allegations in ¶ 29 of the Answer of the Co-Defendants and further DENIES that either of them is entitled to any of the relief demanded in ¶ 29 of their Answer.
- 5.. DENIES each of the allegations in ¶ 30 of the Answer of the Co-Defendants and further DENIES that either of the Co-Defendants is entitled to any of the relief demanded in ¶ 30 of their Answer.

**AS AND FOR A FIRST CROSS CLAIM AGAINST DEFENDANTS
BLANCHARD GATE, LLC AND MBC CONTRACTORS, INC.**

6.. If plaintiff sustained the damages in the manner and at the time and place alleged, and if it is found that Osborn is liable to the Plaintiff, all of which is specifically denied, then Osborn is entitled to indemnification from and judgment over and against each of Defendants Blanchard Gate, LLC and MBC Contractors, Inc. (the “Co-Defendants”), for all or part of any verdict or judgment that the Plaintiff may recover against Osborn.

**AS AND FOR A SECOND CROSS CLAIM AGAINST DEFENDANTS
BLANCHARD GATE, LLC AND MBC CONTRACTORS, INC.**

7.. Osborn demands that the liability, if any, be apportioned and, therefore, the Co-Defendants will be liable to Osborn in the event judgment is recovered by the Plaintiff in an amount equal to the excess over and above Osborn’s equitable share of the judgment. The equitable share of the judgment of Osborn will be determined in accordance with the relative culpability of all the defendants herein.

**AS AND FOR A THIRD CROSS CLAIM AGAINST DEFENDANTS
BLANCHARD GATE, LLC AND MBC CONTRACTORS, INC.**

8.. The Co-Defendants represented to Osborn that the design and pictures they provided to Osborn to prepare architectural drawings in connection with the improvement of Lots 4 & 14, Carlton Meadows, Stony Point, New York did not infringe upon any copyrights or other rights of any third persons and that the Co-Defendants were the owners or and had the right to utilize said design and pictures.

9.. Accordingly, any liability of Osborn to the Plaintiff as alleged in the Complaint will be the direct result of the false representations of the Co-Defendants and, as such, Osborn is entitled to indemnification from and judgment over and against the Co-Defendants, for all or part of any verdict or judgment that the Plaintiff may recover against Osborn, and for Osborn's attorneys' fees, costs and disbursements of this action.

WHEREFORE, Osborn prays that judgment be entered dismissing the Co-Defendants' crossclaims against Osborn, and granting Osborn's crossclaims against the Co-Defendants in their entirety, and for Osborn's attorneys' fees, costs and disbursements.

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Dated: New York, New York
April 9, 2008



Carl E. Person (CP 7637)
Attorney for Crossclaim Defendant,
Eric Knute Osborn
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New York, New York 10036-3803
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CERTIFICATE OF SERVICE

CARL E. PERSON, an attorney duly admitted to practice law before the Courts of the State of New York, affirms under penalty of perjury, as follows:

That on the 9th day of April, 2008, he served the within Answer by Defendant Eric Knute Osborn to Crossclaims; with Crossclaims against Blanchard Gate, LLC and MBC Contractors, Inc. upon:

Frank J. Ciano, Esq.
Michael David Shalhoub, Esq.
Goldberg Segalla LLP
170 Hamilton Avenue, Suite 203
White Plains, NY 10601-1717

[Plaintiff, Scholz Designs, Inc.]

Ned W. Branthover, Esq.
Abelman, Frayne & Schwab
666 Third Avenue – 10th Floor
New York NY 10017

[Defendant, Kevin Maher]

Stephen Paul Mandracchia, Esq.
Hudson Technologies Company
P.O. Box 1541, One Blue Hill Plaza
Pearl River NY 10965

[Defendants Branchard Gate, LLC and
MBC Contractors, Inc.]



Carl E. Person
Attorney for Defendant Eric Knute Osborn